

**MAY 12 2003**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS TEOFILO TAVIZON,

Defendant - Appellant.

Nos. 99-50315, 99-50756

D.C. No. CR-91-00547-JSL-2  
Central District of California,  
Los Angeles

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FERNANDO LOPEZ LANDIVAR,

Defendant - Appellant.

No. 99-50076

D.C. No. CR-91-00547-JSL-1  
Central District of California,  
Los Angeles

ORDER AMENDING ORDER

Before: D.W. NELSON, BRUNETTI, and KOZINSKI, Circuit Judges.

On November 16, 2001, we filed an order deferring submission of case numbers 99-50076, 99-50315, and 99-50756, pending decision in United States v. Buckland, 289 F.3d 558 (9th Cir. 2002) (en banc). We deferred submission due to sentencing issues perceived to be raised in these appeals. Upon review, we have

determined that only United States v. Landivar, case number 99-50076, implicates Buckland and Appendi v. New Jersey, 530 U.S. 466.

The appeals of United States v. Tavizon, case numbers 99-50315, and 99-50756, which do not rely on Buckland or Appendi should not have been included in that order. The mandate as to these appeals issued on November 20, 2001.

Accordingly, the order of November 16, 2001, is amended by removing case numbers 99-50315, and 99-50756.

SO ORDERED.